

Appl. No. 10/803,244
Reply to Examiner's Action dated 11/30/2005

REMARKS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicants originally submitted Claims 1-20 in the application, and in a prior response, elected to prosecute Claims 1-9. In the present response the Applicants have amended Claim 1 and Claim 8 and added Claims 21-24. Support for amendment to Claim 1 includes paragraph [0018] and Figs. 1 and 11. Claim 8 has been amended to correct an inadvertent typographical error, and is supported by paragraph [0025]. Support for new Claims 21-23 include paragraphs [0018] and Fig. 1. Support for new Claim 24 includes paragraph [0017]. Accordingly, Claims 1-9 and 21-24 are currently pending in the application.

I. Rejection of Claims Claims 1, 2, 3, 5 and 9 under 35 U.S.C. §102

The Examiner has rejected Claims 1, 2, 3, 5, and 9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application 2004/0185600 to Kagan, et al., ("Kagan"). The Applicants respectfully disagree because Kagan, as applied by the Examiner, does not teach first and second electrodes that are in contact with opposite surfaces of the electrode insulating layer, as recited in Claim 1. For example, the source or drain electrodes 552, 553 shown in Figure 5 of Kagan are in contact with the same surface of dielectric layer 551.

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Therefore, Kagan does not disclose each and every element of the claimed invention and as such, is not an anticipating reference of Claim 1. Because Claims 2- 9 and 21-24 are dependent upon and include all the elements of Claim 1, Kagan also cannot be an anticipating reference for these claims. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1, 2, 3, 5 and 9.

II. Allowable Subject Matter

The Examiner has indicated that dependent Claims 4 and 6-8 are allowable, if rewritten in independent form. The Applicants continue to express appreciation for this indication of allowable subject matter, but as noted above, Claim 1 and its dependent claims are not anticipated by the reference of record. Accordingly, the Applicant respectfully requests the Examiner to pass Claims 1-9 and 21-24 to issue.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a timely Notice of Allowance for Claims 1-9 and 21-24.

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The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,
Hitt Gaines, P.C.



Ronald J. Corbett
Registration No. 47,500

Dated: January 16, 2006

Hitt Gaines, P.C.
P.O. Box 832570
Richardson, Texas 75083-2570